

REMARKS

Claims 26-34 are currently pending. In the Final Office Action mailed August 3, 2007 (hereinafter, "Office Action"), the Examiner indicated that "[c]laims 26-34 were previously indicated as being allowable . . . [h]owever, in view of the recent Supreme Court KSR decision, the previously applied rejections of claims 26-28, 30, 31, and 34 are being reinstated" Office Action, p. 2. Specifically, the Examiner indicated that claims 26-28, 30, 31, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0065099 to Grabon et al. (hereinafter, "*Grabon*") in view of U.S. Patent No. 6,460,356 to Tao et al. (hereinafter, "*Tao*"). In addition, the Examiner indicated that claims 29, 32, and 33 are objected to but would be allowable if rewritten in independent form.

By this response, Applicant proposes amending claims 26, 30, and 33 and canceling claims 28-29 and 31-32. Claims 1-25 and 35-44 have been previously canceled. Accordingly, upon entry of the proposed claim amendments, claims 26, 27, 30, 33, and 34 will remain pending.

Based on the foregoing amendments and following remarks, Applicant respectfully traverses the rejection under 35 U.S.C. § 103(a), and request timely allowance of claims 26, 27, 30, 33, and 34.

I. Claim Rejection Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 26-28, 30, 31, and 34 under 35 U.S.C. § 103(a) as being unpatentable over the *Grabon* and *Tao*.

Nevertheless, to advance prosecution, Applicant proposes amending the independent claims to insert the allowable subject matter of the objected-to claims.

With respect to independent claim 26, Applicant proposes amending claim 26 to incorporate the limitations of claims 28 and 29 which depend therefrom. As a result, amended independent claim 26 recites, *inter alia*, "at least one first heating circuit in fluid communication with the secondary circuit; [and] a second heating circuit connected to the at least one first heating circuit, the second heating circuit having an engine, and the fluid from the at least one first heating circuit being selectively allowed to flow through the second heating circuit to impart heat to the engine," as was required by canceled claims 28 and 29, and is now required by amended independent claim 26.

Accordingly, neither *Grabon* nor *Tao* renders obvious at least the above-noted elements of amended independent claim 26. The rejection of amended independent claim 26 under 35 U.S.C. § 103(a) should therefore be withdrawn and the claim allowed. Claim 27 should also be allowed at least because of its dependence from allowable independent claim 26.

With respect to independent claim 30, Applicant proposes amending claim 30 to incorporate the limitations of claims 31 and 32 which depend therefrom. As a result, amended independent claim 30 recites, *inter alia*, "operating a first heating circuit in fluid communication with the secondary circuit to selectively transfer heat to at least one of the operator cabin and the sleeping cabin; [and] operating a second heating circuit in fluid communication with the first heating circuit and the secondary circuit to selectively transfer heat to at least one of the operator cabin and the sleeping cabin," as was

required by canceled claims 31 and 32, and is now required by amended independent claim 30.

Accordingly, neither *Grabon* nor *Tao* renders obvious at least the above-noted elements of amended independent claim 30. The rejection of amended independent claim 30 under 35 U.S.C. § 103(a) should therefore be withdrawn and the claim allowed. Claims 33 and 34 should also be allowed at least because of their dependence from allowable independent claim 30.

II. Conclusion

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 26, 27, 30, 33, and 34 in condition for allowance. Applicant submits that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In addition, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such

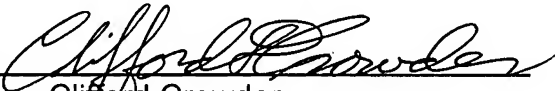
statements are identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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